

Remarks

This Amendment is in response to the Official Action mailed June 3, 2003. The Examiner again rejected applicants' claims 1-19. Specifically, the Examiner maintains that claims 1, 2, 7-10, 13 and 14 are anticipated under 35 USC § 102(e). The Examiner cited Balachandran et al. (U.S. Patent No. 5,881,105) as the basis for this rejection. The Examiner also rejected applicants' claims 3-4 and 15-19 as obvious under 35 USC § 103(a). The Examiner cited Balachandran et al. in view of Le Strat et al. (U.S. Patent No. 6,134,220) as the basis for the rejection.

In the previous response (mailed May 9, 2003) the claims of the application were amended to specify that signalling information related to individual frames is inserted into said individual frames, and said signalling information is partitioned and inserted into frames other than said individual frames. As noted in applicants' reply, the fact that a bit sequence of signalling information is transmitted in two ways, namely in the frame to which it relates, and, having been partitioned, into frames other than the frame to which it relates, offers the advantage over prior systems of high protection of the signalling information, and of allowing error checking to be carried out by comparing a received code word with a code word determined from three previous frames.

In response to the applicants' previously filed amendments and arguments, the Examiner asserts that the claims are still not patentable over the previously cited prior art, and that the independent claims do not state that the signalling information in the individual frames and the partitioned signalling information in other frames are the same or related. The Examiner states that he has given a wide interpretation to the limitations and assumed that the signalling information in the individual frames and the partitioned signalling information in other than the individual frames could be different signalling information.

From the Examiner's comments at pages 17 to 19 of the Office Action, it appears that the Examiner's current objections can be addressed (and the bases therefore removed) by amending the claims to include a limitation that the signalling information in the individual frames and the partitioned signalling information in other than the individual frames is the same signalling information. Claims 1, 3, 9 and 11 are amended to specify

that a bit sequence of signalling information related to an individual frame is inserted into said individual frame, and said bit sequence of signalling information is partitioned and inserted into frames other than said individual frames. Support for this amendment is found in FIG. 2 of the application, and portion of the specification that describes FIG. 2 (e.g. page 6, lines 17-27).

In paragraph 11.2 of the most recent Office Action the Examiner states that, in the Examiner's view, FIG. 2 does *not* describe an embodiment in which the signalling information in the individual frames and the signalling information in the other than individual frames are related. The Examiner observes that, in FIG. 2, the signalling information is actual coding mode used for that frame and that the partitioned signalling information in other than the individual frames is future coding mode in the downlink frames and quality measurement information in the uplink frames. From this the Examiner concludes that the information in the individual and the other than the individual frames are not the same.

The applicants submit that the Examiner has misunderstood the distinguishing limitation as it applies to FIG. 2. Specifically, as recited in applicants' claims, the bit sequence in the individual frame is the same as that partitioned and placed in the other frames. Referring to FIG. 2, in the individual frame containing the bit sequence, the bit sequence is used as an actual coding mode for that frame. The partitioned bits in other frames are not used for the coding mode of those frames, rather they are bits of a bit sequence that is used as a coding mode in the frame containing the bit sequence, i.e. they are future coding modes. Therefore, while the function of the bits in each frame may be different, the bits themselves are the same.

Thus, for the foregoing reasons, applicants submit that their amended claims are patentable over Balachandran et al. and Balachandran et al. in view of Le Strat et al. The Examiner is respectfully requested to withdraw his rejection of claims 1, 2, 7-10, 13 and 14 as anticipated under 35 U.S.C. § 102(e) and claims 3-4 and 15-19 as obvious under 35 U.S.C. § 103(a). Neither Balanchandran et al. or Balachandran et al. in view of Le Strat disclose or suggest partitioning a bit sequence of signalling information that relates to an

individual frame and inserting and evaluating this bit sequence of information into and from frames other than the individual frames.

Applicants have further amended their claims 9 and 11, and certain claims that depend thereon to more clearly express that the claimed system partitions a bit sequence that relates to an individual frame and inserts that partitioned bit sequence into other frames. Specifically, claims 9, 12, 15 and 17 have been amended to recite that the bit sequence of signalling information that is partitioned is a bit sequence that is inserted and relates to an individual frame. The applicants submit that the relationship between the bit sequence and the frame in which the bit sequence is inserted is now clearly set forth in amended claims 9, 11, 15, and 17.

For the foregoing reasons, applicants submit that their claims are in condition for allowance. Favorable action is respectfully requested.

Respectfully submitted,

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